

PATENT  
674523-2006.1

#7

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : KINGSMAN et al.  
Serial No. : 09/867,947  
Filing Date : May 29, 2001  
Title of Invention : RETROVIRAL VECTORS  
Group Art Unit : 1633  
Examiner : To Be Assigned

745 Fifth Avenue  
New York, NY 10151

02/24/2003 LDIEP1  
02/24/2003 BNGUYEN1 00000066 09867947  
01 FC:1460 -130.00 OP

**EXPRESS MAIL**

Mailing Label Number: EV196822547US  
Date of Deposit: January 30, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents Washington, DC 20231.

Edward Nay  
(Typed or printed name of person mailing paper or fee)

Edward Nay  
(Signature of person mailing paper or fee)

02/24/2003 LDIEP1  
01 FC:1460 Name/Number: 09867947  
01 FC:1460 \$130.00 OP

**PETITION TO ASSIGN THE FILING DATE UNDER 37 CFR 1.53(e)(2)**  
**TO AN APPLICATION FILED UNDER 37 CFR 1.53(b)**

Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby petition the Commissioner for Patents to assign the filing date of May 29, 2001, to the above-captioned application Serial No. 09/867,947, filed under the provisions of 37 CFR 1.53(b).

Applicants received the Notice Of Incomplete Nonprovisional Application dated December 11, 2002, in which the Commissioner notified the Applicants that the divisional application filed under the provisions of 37 CFR 1.53(b) was incomplete in that the application was missing pages 72-75. For the reasons that follow, Petitioners request that the Patent and

02/03/2003 BNGUYEN1 00000066 09867947

01 FC:1460

130.00 OP

-1-

**RECEIVED**

FEB 11 2003

00103762

**OFFICE OF PETITIONS**

Trademark Office (PTO) accept that the omitted item was filed in the PTO as of the filing date of this application and refund the petition fee.

A check in the amount of \$130.00 is enclosed for the petition fee. As Petitioners respectfully assert that the PTO actually received the omitted item on the filing date of this application, Petitioners request that this fee be refunded to Deposit Account No. 50-0320. Should any additional fees be required by this Petition, the Assistant Commissioner is hereby authorized to charge such fee, or credit any overpayment, to Deposit Account No. 50-0320.

Also enclosed is a copy of pages 72-75 of the instant application and the transmittal that accompanied the specification on May 29, 2001. Pages 72-75 are identical to those of the parent application, U.S. Patent No. 6,312,683, which is incorporated by reference into the instant application (see the enclosed transmittal, item number 18).

**RECEIVED**  
FEB 11 2003  
OFFICE OF PETITIONS



PATENT  
674523-2006.1

### REMARKS

On May 29, 2001, applicants mailed by Express Mail, addressed to the Assistant Commissioner for Patents, Washington D.C., 20231, the transmittal letter for filing of a divisional application of USSN 09/238,356 filed on January 27, 1999, now U.S. Patent 6,312,683, the specification and claims of the prior application as originally filed, forty-three sheets of drawings, a copy of the Declaration and Power of Attorney as previously filed, a copy of the associate power of attorney and a sequence listing. (See the attached copy of the Customer Copy of the Express Mail label and the Express Mail Certification.) The United States Patent and Trademark Office received the express mail delivery and assigned the Serial No. 09/867,947 and filing date of 05/29/01, to the application (see the attached copy of the acknowledgement receipt). A copy of the return receipt postcard is also enclosed.

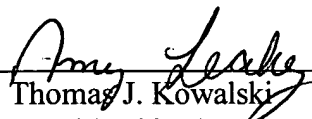
### CONCLUSION

In view of the foregoing, Applicants respectfully submit that they filed in the United States Patent and Trademark Office a complete divisional application and that the application is entitled to the filing date originally assigned to the application, namely May 29, 2001. Applicants respectfully request that the Commissioner grant the petition.

The Examiner is hereby authorized to call the undersigned attorney of record on any matter connected with this application. The telephone number is area code (212) 588-0800. In the absence of the undersigned attorney of record, the call will be accepted by any attorney empowered in this application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas J. Kowalski  
Reg. No. 32,147  
Amy Leahy, Ph.D.  
Reg. No. 47,739  
Tel. (212) 588-0800  
Fax. (212) 588-0500

**RECEIVED**

FEB 11 2003

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>2-21-03</u>		2 Serial/Patent # <u>09,867,947</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time,			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	7	1-30-03	\$ 130. <sup>00</sup>							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130. <sup>00</sup>							
10 REASON:		8 TO BE REFUNDED BY:									
	Overpayment	<input type="checkbox"/> Treasury Check									
	Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td style="width: 20px;">5</td> <td style="width: 20px;">0</td> <td style="width: 20px;">--</td> <td style="width: 20px;">0</td> <td style="width: 20px;">3</td> <td style="width: 20px;">2</td> <td style="width: 20px;">0</td> </tr> </table>			5	0	--	0	3	2	0
5	0	--	0	3	2	0					
Office mistake.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Derek Woods</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>Derek Woods</u>		PHONE: <u>305-0014</u>									
OFFICE: <u>Retitzins</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>02/24/03</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



RECEIVED

FEB 11 2003

OFFICE OF PETITIONS

BEST AVAILABLE COPY Div. of 09/238,356

Serial No. \_\_\_\_\_ File No. 674523-2006.1 By TJK/K  
Title In the Matter of the Application of ALAN JOHN KINGSHAN  
The following due 5/29/01 in the U.S. Patent Office, was received in the Patent Office  
☐ Affidavit ☐ Declaration  
☒ Amendment ☒ Express Mail Mailing Certificate (separate sheet) 15837 for \$ 872.00  
☒ Preliminary Amendment  
☐ Amendment After Final Rejection  
☐ Request for Extension of Time  
☐ Provisional Patent Application  
☐ Application for Patent, including  
           Pages Specification        Claims  
☒ Declaration ☐ Oath ☒ Power (Copy)  
☒ Request for Filing Continuation of Divisional  
    Application 74 sheets,  
☐ File Wrapper Continuation Patent Application  
           sheets, in duplicate  
☐ PCT Request        sheets, including  
☐ Transmittal Letter to the US/RO  
☐ Assignment ☐ Recordation Cover Sheet  
☒ Check No. 15837 for \$ 872.00  
☒ Deposit Account Order Form  
☒ UTILITY PATENT APPLICATION TRANSMITTAL  
☐ Information Disclosure Statement  
☐ PTO Form 1449  
☒ FEE TRANSMITTAL  
☐ Brief ☒ 43 SHEETS OF DRAWINGS  
☐ Application for TM Registration  
    Including        Specimens  
☐ Status Request ☐ Notice of Appeal  
☐ Petition ☒ COPY OF CHANGE OF ADDRESS  
☐ Priority Document  
☐ Small Entity Declaration  
☒ COPY OF SEQ LISTING  
☒ COPY OF ASSOCIATE POWER OF ATTORNEY

Div. of 09/238,356

Serial No. \_\_\_\_\_ File No. 674523-2006.1 By TJK/K  
Title In the Matter of the Application of ALAN JOHN KINGSHAN  
The following due 5/29/01 in the U.S. Patent Office, was received in the Patent Office  
☐ Affidavit ☐ Declaration  
☒ Amendment ☒ Express Mail Mailing Certificate (separate sheet) 15837 for \$ 872.00  
☒ Preliminary Amendment  
☐ Amendment After Final Rejection  
☐ Request for Extension of Time  
☐ Provisional Patent Application  
☐ Application for Patent, including  
           Pages Specification        Claims  
☒ Declaration ☐ Oath ☒ Power (Copy)  
☒ Request for Filing Continuation of Divisional  
    Application 74 sheets,  
☐ File Wrapper Continuation Patent Application  
           sheets, in duplicate  
☐ PCT Request        sheets, including  
☐ Transmittal Letter to the US/RO  
☐ Assignment ☐ Recordation Cover Sheet  
☒ Check No. 15837 for \$ 872.00  
☒ Deposit Account Order Form  
☒ UTILITY PATENT APPLICATION TRANSMITTAL  
☐ Information Disclosure Statement  
☐ PTO Form 1449  
☒ FEE TRANSMITTAL  
☐ Brief ☒ 43 SHEETS OF DRAWINGS  
☐ Application for TM Registration  
    Including        Specimens  
☐ Status Request ☐ Notice of Appeal  
☐ Petition ☒ COPY OF CHANGE OF ADDRESS  
☐ Priority Document  
☐ Small Entity Declaration  
☒ COPY OF SEQ LISTING  
☒ COPY OF ASSOCIATE POWER OF ATTORNEY

RECEIVED

FEB 11 2003

OFFICE OF PETITIONS



BEST AVAILABLE COPY



POST OFFICE  
TO ADDRESSEE

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time in <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$
CUSTOMER USE ONLY		
METHOD OF PAYMENT: Express Mail Corporate Acct. No.		
Federal Agency Acct. No. or Postal Service Acct. No.		

FROM: (PLEASE PRINT) PHONE 212 588 0800

FROMMER LAWRENCE & HAUG LLP  
745 5TH AVE FL 10  
NEW YORK NY 10151-1000

674523-2006.1

PRESS HARD.  
You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811

RECEIVED

FEB 11 2003

OFFICE OF PETITIONS



UNITED STATES POSTAL SERVICE®

POST OFFICE  
TO ADDRESSEE



EL 742666519 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10002	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year 5/2/02	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 18.85
Time in <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. ozs. 6.00	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials mille	Total Postage & Fees \$ 18.85

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

FROM: (PLEASE PRINT)

PHONE

212 588 0800

FROMMER LAWRENCE & HAUG LLP  
745 5TH AVE FL 10  
NEW YORK NY 10151-1000

674523-2006.1

TO: (PLEASE PRINT)

PHONE

ASSISTANT COMMISSIONER  
FOR PATENTS  
WASHINGTON, DC 20031  
Box DIV. Application

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



Customer Copy  
Label 11-F August 2000

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature